

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the present application.

IN THE CLAIMS:

1. (Currently Amended) A An isolated nucleic acid ~~fragment~~ having the ~~nucleotide sequence shown in~~ comprising SEQ ID NO:1 in the ~~Sequence Listing, or having the same nucleotide sequence as shown in SEQ ID NO:1 except that one or more nucleotides are substituted or deleted, or one or more nucleotides are inserted therein or added thereto, which has an activity to promote~~ wherein said nucleic acid increases expression of a structural gene located downstream thereof.

2. (Currently Amended) The An isolated nucleic acid comprising a nucleotide sequence having ~~fragment according to claim 1, which has a nucleotide sequence homology of not less than 70% 95% sequence identity to the nucleotide sequence shown in~~ SEQ ID NO:1 ~~in the Sequence Listing.~~

3. (Currently Amended) An isolated ~~A nucleic acid fragment~~ having the ~~nucleotide sequence shown in SEQ ID NO:1 in the Sequence~~

~~Listing, or a nucleic acid fragment comprising a nucleotide sequence, the complement thereof which hybridizes with the nucleic acid fragment SEQ ID NO:1 under stringent conditions of 5x Denhardt's reagent, 6XSSC, 0.5% SDS, and 50-65°C, wherein said nucleic acid increases which has an activity to promote~~ expression of a structural gene located downstream thereof.

4. Canceled.

5. Canceled.

6. (Currently Amended) ~~The An isolated nucleic acid fragment according to claim 1, which has the nucleotide sequence shown in comprising SEQ ID NO:2 in the Sequence Listing.~~

7. (Currently Amended) A recombinant vector comprising ~~said the nucleic acid fragment~~ according to any one of claims ~~1 to 6~~ 1 to 3 or 6, and a structural gene located downstream of said nucleic acid fragment, ~~by which~~ wherein expression of said structural gene is ~~promoted~~ increased by said nucleic acid fragment.

8. (Currently Amended) A method for ~~promoting~~ increasing expression of a structural gene, comprising inserting ~~said the~~

nucleic acid ~~fragment~~ according to any one of claims ~~1 to 6~~ 1 to 3 or 6 into a site upstream of said structural gene, wherein expression of said structural gene is increased by said nucleic acid.

9. (Currently Amended) A plant in which expression of a desired structural gene is ~~promoted~~ increased by the method according to claim ~~7~~ 8, or a progeny ~~thereof retaining the character~~ of said plant wherein expression of a desired structural gene is increased by the method according to claim 8.

10. (New) The method according to claim 8, wherein the nucleic acid is inserted into a site 0 base pairs to 1000 base pairs upstream from the structural gene.

11. (New) The method according to claim 8, wherein the nucleic acid is inserted into a site 0 base pairs to 1000 base pairs upstream from a promoter located upstream of the structural gene, wherein said promoter controls expression of said structural gene.

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12. (New) A plant comprising the recombinant vector according to claim 7, or a progeny of said plant comprising the recombinant vector according to claim 7.

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